

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID DATE JR.,
Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

Case No. 07-cv-15474

v.

Paul D. Borman
United States District Judge

SONY ELECTRONICS, INC., and
ABC APPLIANCE, INC. d/b/a ABC
WAREHOUSE,

Defendant.

ORDER REQUIRING THE PARTIES TO SUBMIT SUPPLEMENTAL BRIEFING
ADDRESSING RECENT SIXTH CIRCUIT DECISION

On November 16, 2011, this Court held oral argument on Plaintiff's motion for class certification. Just days before oral argument, the Sixth Circuit issued a published opinion in *Pilgrim v. Universal Health Card, LLC*, __F.3d __, 2011 WL 5433770 (Nov. 10, 2011), which bears upon issues that the Court finds relevant to its resolution of the class certification issue in this case.

Accordingly, the Court requests Plaintiff to file a supplemental brief, on or before December 5, 2011, up to 5 pages in length, discussing the Sixth Circuit's opinion in *Pilgrim*, and its effect on the class certification issues in this case. Sony and ABC shall file separate responses to Plaintiff's brief, up to 5 pages in length each, on or before December 12, 2011. Plaintiff may file replies to each response, up to 3 pages in length each, on or before December 19, 2011.

IT IS SO ORDERED.

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: November 21, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on November 21, 2011.

S/Felicia Moses for Denise Goodine

Case Manager